

Below is a letter from Chuck Lacy, received by the Planning Commission on June 1, 2020. The letter is reprinted, to include responses from the Planning Commission Chair, Jason Cheney, inserted in line.

The PC Chair responses are based on the May 11, 2020 draft of amendments to the zoning regulations. As of June 9, 2020, the draft is still being worked on, and is not finalized or proposed.

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To the Jericho Planning Commission,

Thank you for your hard work on the revised plan for the Commercial District and for working so hard to keep citizens apprised of your work. My concerns are consistent with my objections to the previous proposal. In short, I don't want my government controlling the aesthetic design of privately-owned buildings. I support building requirements for safety, emergency, energy efficiency, environmental impact, transportation connections, and things that really matter. But these proposed rules give the town design control all the way down to building color. Again, this is too much.

PC CHAIR Response:

Thank you for your comments on the draft of potential land use regulation changes for Jericho's Commercial District. I really appreciate you taking the time to review and send us your comments. Your comments show the draft needs to be clearer about which elements are required and which elements are encouraged.

1. The town should not control building design and aesthetics

The proposed changes require property owners to duplicate historical "rural" designs from "traditional New England structures". To get approval building designs must meet this contrived rural character as interpreted by the Development Review Board. You require property owners to use "attractive entrance features" with acceptable features like "arches", "plantefs", "canopies" or "porticos". Building colors must be approved by the DRB. Building materials must "provide visual interest" as determined by the DRB. A property owner must get DRB approval for "visual interest" and "community character". The proposed rules require buildings in the commercial district to have "an organic quality" and "interesting textures and patterns", also to the DRB's taste. These town-imposed design requirements bring a repetitive dullness to what should be a dynamic district.

PC CHAIR Response:

- **The PC is not proposing to require a specific aesthetic or style.**

- Property owners would not be required to duplicate historical New England designs. The regulations would encourage, but not require, design based on traditional rural New England structures. These structures use timeless architectural principles well-suited for the local climate, snowfall, energy efficiency, scale, longevity, pedestrian access, etc. Encouraging, not requiring these principles is the goal, not the specific aesthetic. The draft can make this clearer.
- The PC is proposing to make attractive entrance features required because they encourage pedestrians and help create a lively streetscape. The entrance features listed are examples, not requirements. Pedestrian activity helps reduce car trips which helps reduce environmental impacts and improves community health and cohesion. The public comments strongly supported pedestrian oriented development.
- The drafted regulations do not require the DRB to approve building colors. Muted colors are listed as encouraged because they help buildings harmonize with the landscape.
- The drafted standards do not require buildings to have an organic quality or interesting materials. These suggestions are provided as examples of techniques to reduce massing. Most architects and designers use many different techniques in addition to those listed to reduce mass and to provide visual interest. The requirement would be to reduce massing, in order to avoid repetitive dullness and create a vibrant pedestrian friendly environment. The standards are purposefully flexible for variety and creativity. The draft can make this clearer.
- The CD would continue to accommodate a wide variety of uses which enable a dynamic district. For example, diverse businesses such as a garden center, an apartment building, a potter, an inn, a junk yard, a horse farm, and a pizza place can all locate in the CD. The design guidelines provide flexibility and are intended to avoid repetitive dullness. The draft regulations are not intended to require conformity.

2. Your interpretation of "rural character" is a dreamy charade. You seem to want neat and perfect. The draft plan values conformity over other rural values such as ingenuity, thrift, innovation, imagination and, yes, the freedom to not conform.

PC CHAIR Response:

Residents said consistently they value and wish to continue Jericho's rural character. The PC recognizes the term "rural character" can be subjective, so we focused on drafting standards to encourage efficient land use, green-scaping, small scale development, pedestrian access, and mixed uses. The Table of Uses would continue to designate the CD as the location for the widest variety of uses compared with Jericho's other zoning districts. For example, developers could continue to build single family homes, manufacturing facilities, office buildings, retail operations, and apartment buildings. The draft can make this clearer.

Also on the topic of rural character, two PC members are currently looking at ways the regulations might be able to better support agricultural uses (such as on-farm retail and dining, brewing and distilleries, community gardens, mixing solar arrays with agriculture, etc.) even as housing and business uses grow in Jericho. Their findings may point to additional zoning amendments in a future process.

3. The Screening and Buffering Requirements are too restrictive and again impose unfair aesthetic standards. The requirement to screen parked cars from roadways is absurd. Are people driving cars so offended at the site of parked cars that we need to make business owners hide their parking lots? You

want a fence to protect me from seeing parked cars in front of the likes of Jeri-Hill Hardware, Mountain High Pizza, Community Bank, Town Hall and the Post Office? Is the idea to drive down Route 15 and see nothing but bushes and fences? Really? Intentionally or not, you will make some new Jericho businesses less competitive. People driving cars look at parked cars to judge the vibrancy of restaurants, coffee shops, churches, veterinarians, antique stores, gyms, garden centers, all kinds of businesses. Why handicap new a Jericho restaurant by insisting they hide their success? Gated communities make their bones by controlling aesthetics. People who like gated communities should move to one. Let's not create the ambiance of a gated community in Jericho.

PC CHAIR Response:

The draft recognizes that in the CD, screening is important so that different uses can peacefully co-exist. Screening replaces some of the green spaces around developed areas to provide respite from asphalt for people and wildlife, and it helps with stormwater. Screening helps reduce the environmental impacts of development. Most public comments we heard emphasized that buffers between Uses are important, and plants and trees are highly desired elements of development. The public was strongly in favor of maintaining green space and views along Route 15, and there were concerns for residential areas. The screening requirements are general and flexible and can be adapted to each project. Planning guidelines nationwide ask developers to screen and de-emphasize parking areas. Businesses can appeal to customers beyond a full parking lot. Successful businesses provide a vibrant storefront, good products, services and prices, and connected access for pedestrians and cyclists. The regulations do not require parking lots to be completely hidden. Screening can partially obscure parking areas and should reintroduce green space and be integrated with pedestrian pathways. Fences are not required. Your comments show that we really should look at the at is section to make these screening goals clearer.

It takes all people and all skills to make a town work. These proposed rules are too exclusive, too controlling, and too damn precious. By definition, aesthetic control discourages variety and imagination. It eliminates the edges which make life interesting. Enforced conformity promotes the community judgement of people being different. We don't want that. I'm not going to tell my mechanic to put a cupola on his or her roof and a planter by the door. I don't shiver at the sight of a rooftop HVAC unit.

PC CHAIR Response:

I'm not aware the draft proposes to require screening of roof top utilities. I will check this out, my understanding is the requirement to screen roof top HVAC screening applies only in the Riverside Character Based Zoning District (Jericho Market/Flats/Sawmill area).

I won't tell people where to plant bushes or whether their doorway is pretty enough. I don't want to live in Stowe, or Grafton, or Old Deerfield, or Sturbridge Village. Please don't do this. You can size my septic system. You can check my sprinklers. But don't tell me what color to paint my building.

Sincerely,

Chuck Lacy

PC CHAIR Response:

The amendments being considered are based on smart growth principles, Vermont planning guides, Vermont economic development guides, the guidance of the professional planning consultant, and over two years of public engagement. The amendments were drafted to encourage diverse uses into the District. The regulations express the priorities of the community for well-built structures and well-designed sites and streets - not for a particular homogenous style nor an exclusive precious community. Our research and discussion with the consultant pointed us toward a flexible Table of Uses coupled with design guidelines focused on functions like walkability, connectivity, pedestrian oriented, and integrated green spaces, and not on aesthetics or personal tastes.

Many of the proposed standards are suggested and encouraged, but are not required, to give developers flexibility to innovate for their particular needs. As a result, we have also received feedback opposite yours, which asks the PC to mandate more standards and allow fewer standards as optional suggestions.

I will ask Katherine Sonnick to edit the draft to clarify the issues above and the PC will review an updated draft at an upcoming PC meeting. Thank you again for your insights and your comments.